

**SENATE—Thursday, March 4, 1999**

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

**PRAYER**

The Chaplain, Dr. Lloyd John Ogilvie, offered the following prayer:

Gracious God, we seek to receive Your presence continually, to think of You consistently, and to trust You constantly. We urgently need divine wisdom for our leadership of this Nation. We have discovered that this only comes in a reliant relationship with You. Prayer enlarges our minds and hearts until they are able to be channels for the flow of Your Spirit. You, Yourself, are the answer to our prayers.

As we move through this day, may we see each problem, perplexity, or person as an opportunity to experience Your presence and accept Your perspective and patience. We don't want to forget You, but if we do, interrupt our thoughts and bring us back into an awareness that You are waiting to bless us and equip us to lead with vision and courage. Thus, may our work be our worship this day. In the Name of our Lord. Amen.

**RECOGNITION OF THE ACTING MAJORITY LEADER**

The PRESIDENT pro tempore. The able Senator from Washington is recognized.

**SCHEDULE**

Mr. GORTON. Mr. President, this morning the Senate will be in a period of morning business until 11 a.m. Following morning business, the Senate will resume consideration of S. 280, the education flexibility partnership bill. Under a previous order, Senator BINGAMAN will be immediately recognized to offer an amendment regarding dropouts. Senators should expect rollcall votes throughout today's session, and also Friday until 12 noon. The leader would once again like to remind all Members that a rollcall vote is expected to occur this coming Monday at approximately 5 p.m. All Senators will be notified of the exact voting schedule as it becomes available.

I thank my colleagues for their attention.

**MORNING BUSINESS**

The PRESIDING OFFICER (Mr. ROBERTS). Under the previous order, there will now be a period for the transaction of morning business.

The Senator from Washington is recognized.

**MICROSOFT**

Mr. GORTON. Mr. President, last week the Government's misguided and collusive antitrust suit against the Microsoft Corporation recessed for a much-needed break. It only could be improved by making the recess permanent.

I urge my colleagues to make use of the trial's recess to learn about this case, and this industry. Nothing less is at stake here than the freedom to innovate, the key to America's economic success. We ignore this prosecution at our peril, because the United States Government is trying to kill the goose that lays golden eggs in the home states of every one of my esteemed colleagues. It is not simply a Washington-state company that needs shoring up; it is the industry leader that has fueled our recent unprecedented economic miracle, created hundreds of thousands of new jobs to fill those being lost in other sectors of the economy, established America as the global leader in high technology and redefined almost every aspect of our lives—and yet is under siege by a hopelessly time-locked Department of Justice, whose theory of antitrust was shaped in the 60s, when big business was bad, big government good, and facts never got in the way of a nice regulatory scheme.

Microsoft is not the only target of this Administration. Intel too is under attack by a gaggle of anti-free market attorneys at the Federal Trade Commission. The FTC says Intel uses its market power to stifle competition in the lucrative chip market. Given recent reports that in January, more computers were sold with chips made by one of Intel's largest competitors, AMD, than with Intel chips, the FTC's case seems far behind the times. But Robert Pitofsky and his cohorts press on regardless of real and dynamic markets.

Holman Jenkins summed up the absurdity of the Administration's actions eloquently in an editorial that appeared in the Wall Street Journal yesterday:

If Joel Klein, Robert Pitofsky and all their little acolytes could catch just one mugger, they would have done something of more value for the country. For that matter, we'd owe the mugger a debt of gratitude for distracting these errant knights from their destructive mission.

Of course, I know the pressures of time and schedules on my colleagues, so, of all the millions of words that

have been written about the Microsoft trial since its beginning last October, I want them to note just one story, written February 18 on C-Net news.com about Microsoft's recent roller coaster ride on Wall Street. The lead paragraph won't take much more than 10 seconds of my colleagues' valuable time, but it tells everything anyone needs to know about this case:

"Microsoft shares fell as much as 3.8% today," the C-net story began, "on investor concern about threats to the company's dominance from the Linux operating system and the landmark antitrust trial."

George Orwell couldn't have put it better: With competitors baying at its heels, Microsoft has been forced to divert enormous resources to defend itself against the government's contention that it has no competitors.

Actually, George Orwell himself would have rejected the travesty of what is basically a private suit brought by the government on behalf of competing multi-billion-dollar companies against their chief competitor—especially when the government is heavily vested politically in those companies' success.

Whether Orwell would have believed it or not, my colleagues need to believe it, because it's happening, and their constituents don't like it. A poll taken by Citizens for a Sound Economy in January found that 81% of Americans—not just Washingtonians, but 81% of all Americans—say that Microsoft is good for consumers. A Hart/Teeter poll also from January found that 73% of Americans echo that belief and fully two-thirds say the federal government should stay out of the dispute and let the marketplace and consumers decide the fate of competitors in the personal computer industry. A majority know enough about what's already happening in the industry to understand that the whole expensive circus is moot anyway: 51% of Americans think that the federal government should just drop the case in the wake of AOL-Netscape merger.

Our constituents are paying attention to this issue because they are consumers and are perfectly aware of how much Microsoft has improved their lives. They also see family, friends and neighbors working for companies that depend on Microsoft for their existence. There are tens of thousands of companies, large and small, that partner with Microsoft, and they are located in every state in the Nation. I'm sure my colleagues know something about them, but I'm not convinced that they are aware of their huge numbers.